

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KAREEM TORAIN : CIVIL ACTION  
:   
v. :   
:   
WAYNE J. GAVIN, et al. : NO. 12-3308

ORDER

AND NOW, this 28th day of June, 2013, upon careful and independent consideration of the petition for a writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED IN PART.

2. This matter is STAYED and held in ABEYANCE pending conclusion of petitioner's state court proceedings with respect to his additional Brady and newly discovered evidence claims, discussed in Magistrate Judge Caracappa's Report and Recommendation.


3. Petitioner shall inform the Court within thirty (30) days of the date of this Order as to whether he has chosen to pursue his new claims in state court. If petitioner chooses not to return to state court with his new claims, he should move to restart these federal habeas proceedings. If petitioner chooses to return to state court to pursue his new claims, he

shall move the Court to restart proceedings in this matter within thirty (30) days of the conclusion of his state court proceedings.

4. There is no probable cause to issue a certificate of appealability.

5. The Clerk shall place this matter IN SUSPENSE pending further order of the Court.

BY THE COURT:

  
MARY A. MCLAUGHLIN, J.